

REMARKS

Claims 1-51 are pending in the application and stand rejected.

Double Patenting

Claims 1-16 and 18-32 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-49 of copending application No. 10/635939 and over claims 1-50 of copending application No. 10/635938. Applicants hereby submit Terminal Disclaimers directed to both copending applications and submit that this rejection is now moot.

Rejection under 35 U.S.C. 103

Claims 1-16, 23-40 and 47-51 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,393 to Kabala in view of JP Patent No. 11096230 to Sumi. Claims 17 and 41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kabala, in view of Sumi and further in view of U.S. Patent Application Publication No. 20020165731 to Dempsey. Claims 18-22 and 42-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kabala, in view of Sumi and further in view of U.S. Patent Application Publication No. 20020174021 to Chu.

Applicants have further amended independent claims 1 and 26 in accordance with the Examiner's suggestion to now specifically recite that the strength values associated with the markers are caused to decay with time after the markers have been stored. Applicants submit that in light of these amendments, all claims are currently allowable and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

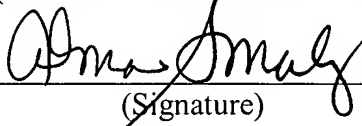
I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

December 8, 2006

(Date of Transmission)

Alma Smalling

(Name of Person Transmitting)

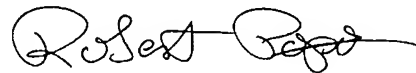


(Signature)

12/8/06

(Date)

Respectfully submitted,



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